

February 19, 2008

Sent by electronic transmission to votingsystems@sos.ca.gov

Debra Bowen
Secretary of State-Elections Division
1500 11th Street
Sacramento, CA 95814

**Re: ES&S AutoMARK Voter Assist Terminal Public Hearing February 20,
2008**

Dear Ms. Bowen:

Protection and Advocacy, Inc. (PAI) is an independent, non-profit, statewide agency mandated by the federal government to provide legal services to individuals with disabilities in California regarding their disability, civil and service rights. PAI is authorized under various federal statutes to ensure the protection and advocacy of all individuals with disabilities in the state. Under HAVA, PAI is charged with ensuring “the full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places.” *42 U.S.C. § 15461*.

Thank you for the opportunity to provide comments about the AutoMARK voter assist terminal.

Overall, PAI finds the AutoMARK voter assist terminal to be reasonably easy to use and the various accessibility features to be useful to people with certain disabilities. Some of the advantages include:

- The “hybrid” nature of this system that provides the touch screen interface of a DRE system, which addresses some accessibility issues, with a “pure” paper-based optical scan system.

- ❑ The touch screen interface can be used separately or in conjunction with the audio interface, which itself can be speed and playback-controlled by the voter.
- ❑ The voter can choose between several different methods to operate the system and make ballot choices, including foot pedal control, Braille keypad and puff and sip.
- ❑ The ability to change the font size and contrast on the touch screen display as well as the angle of the screen.

There are, however, the following concerns:

- ❑ More needs to be done to improve access for persons with physical/mobility and dexterity/grip strength/touch sensitivity disabilities, especially relating to :
 - Manipulating and inserting the ballot into the voting system (as well as into the separate tabulation system) can be difficult for persons with manual dexterity and/or grip strength disabilities.
 - The touch “force” required to use the touch screen interface is excessive, which can be a problem for persons with manual dexterity and/or grip strength disabilities.
 - The touch pad is attached to the voting system and cannot be moved into a person’s lap if they have reach or dexterity disabilities.
- ❑ Privacy is difficult for a person sitting in front of the system as anyone passing behind the person will have a full view of the screen.
- ❑ The question remains how these systems can be used in instances where the voter needs to vote curbside. It seems particularly unwieldy to carry to a person with a disability so they can vote curbside if the polling location is not accessible. While this system still uses a paper ballot, this issue is not resolved simply by the poll workers providing the voter with a paper ballot curbside, since the voter’s privacy is compromised in having to rely on the poll workers to deliver the ballot back inside and into the tabulation system without looking at the marked ballot. Furthermore the curbside voter doesn’t have the same opportunity to use the voter verification process the system provides to other voters.

We hope that you give thoughtful consideration to the concerns raised in this letter. We continue to offer our assistance in creating an election process that ensures the right to an independent and secret vote for all Californians.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Margaret Jakobson-Johnson', with a stylized, flowing script.

Margaret Jakobson-Johnson, Esq.
Protection & Advocacy, Inc.
Advocacy Director